

**NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES**

SEPTEMBER 13, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 13th day of September 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <http://www.normanok.gov/content/boards-commissions> at least twenty-four hours prior to the beginning of the meeting.

Vice Chairman Chris Lewis called the meeting to order at 6:30 p.m.

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Item No. 1, being:
ROLL CALL

MEMBERS PRESENT

Dave Boeck
Jim Gasaway
Cindy Gordon
Tom Knotts
Curtis McCarty
Roberta Pailes
Chris Lewis

MEMBERS ABSENT

Diana Hartley
Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &
Community Development
Jane Hudson, Principal Planner
Ken Danner, Subdivision Development
Manager
Roné Tromble, Recording Secretary
Leah Messner, Asst. City Attorney
Jeff Bryant, City Attorney
Rick Hoffstatter, GIS Analyst
Terry Floyd, Development Coordinator
Scott Sturtz, City Engineer

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Vice Chairman Lewis noted the request for postponement submitted by the applicant for Item 11, OSOI Tecumseh Development, L.L.C. and NE Development, L.L.C. (R-1213-36, O-1213-11, and PP-1213-4).

Curtis McCarty moved to postpone Item Nos. 11a, 11b and 11c until the October 11, 2012 Planning Commission meeting. Tom Knotts seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Roberta Pailles, Chris Lewis
NAYES	None
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to postpone Item No. 11 until the October 11, 2012 meeting, passed by a vote of 7-0.

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Item No. 2, being:

CONSENT DOCKET

Vice Chairman Lewis announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:

APPROVAL OF THE AUGUST 9, 2012 REGULAR SESSION MINUTES

Item No. 4, being:

FP-1213-7 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WHISPERING TRAILS ADDITION, SECTION 3, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 330 FEET WEST OF 48TH AVENUE N.W.

Item No. 5, being:

FP-1213-8 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY MIKE & CINDY MILLIGAN (MORRIS ENGINEERING) FOR MILLIGAN INDUSTRIAL TRACT ADDITION GENERALLY LOCATED ON THE NORTH SIDE OF ROCK CREEK ROAD WEST OF 12TH AVENUE N.W.

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Vice Chairman Lewis asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, he asked whether any member of the audience wished to speak regarding any item.

AUDIENCE PARTICIPATION:

1. Stephen Ellis, 633 Reed Avenue – What I'm requesting is that the Chair remove Item 5 from the Consent Docket and rule it out of order. And since that's a little complicated, if you're interested, I've got my comments typed up so you can follow along with the reading if you want to have a look. The reason why I'm doing this is because I think that there were some irregularities in this item in terms of Section 19-601(a), and according to Norman's parliamentary authority – Robert's Rules of Order – motions that conflict with procedural rules prescribed by local laws are out of order and if any motion of the kind is adopted it is null and void and Robert's Rules also say that there is no time limit for discovering this. It's clear that the Milligan Plat does not comply with the WQPZ regulations. I think it's also clear, if you look at the law, that the exemption granted by City Council on July 10, 2012 is at least prima facie inconsistent with the procedural regulations governing the granting of variations. I think there are sort of two reasons for that. In the first place, that procedural regulation disallows modifications of public improvement requirements, so the City Council may vary or modify such requirements of design but not of public improvements, and I believe that's what the exemption did. Further, any variations or modifications to requirements must meet certain conditions and, in particular, those conditions require – and this is a quote – "At the same time, the public welfare and interests of the City must be protected and the general intent and spirit of this chapter are preserved by granting such variance." Now, I'm not a lawyer. I am used to reading complicated texts. It seems to me that a full-blown exemption to WQPZ requirements can't possibly meet the standards laid out in Section 19-601(a). That was actually the gist of your discussion at the June meeting of the Planning Commission, I believe, having looked at it. Allowing someone to ignore a regulation doesn't do what the procedural regulation requires. The one lawyer who is on record as holding this exemption is improper is the City Attorney; he noted twice during the City Council meeting on July 10, 2012 that the City Council did not have the authority to grant the exemption that they ultimately voted for. I believe you'll see in Article 19 of the City Charter that the propriety of the variation process falls within the jurisdiction of the Planning Commission. So the Planning Commission has already rejected the substance of this proposal at your June meeting. Nothing has changed, except for a dubious City Council action, and nothing in the

record requires you to change your mind either about the substance or to go along with the problematic exemption, because it's within your authority to make a judgment about that. I believe that the Milligan Plat is out of order as a matter of Robert's Rules of Order. The City Council made a mistake in completely exempting the Milligan Tract from the WQPZ regulations. It was an innocent mistake, no doubt, but one made in haste and probably motivated by the best of intentions, but it was a mistake. Now that that mistake has been caught, I don't think that any City authority can continue without neglecting its duty, or at least its moral duty to make sure that they uphold the point of the laws that we've adopted. So I think it's within your authority, and I believe that the Planning Commission should declare that plat out of order, which, of course, would require taking it off the Consent Docket.

2. Harold Heiple, 218 E. Eufaula – I do not represent Mr. Milligan, the applicant, who has presented this plat. As a matter of fact, at the Planning Commission meeting I appeared and opposed his plat subject to fences being built. I am amazed that the conversation of Mr. Ellis has gotten this far, because it is so far out of order with respect to the purview and the power and the authority of the Planning Commission. But let me give you just a little historical background. In Norman for many, many years the rule was that preliminary plats stopped at the Planning Commission. Final plats went on to the City Council. But the Planning Commission had the final authority over preliminary plats. Because there was a great deal of objection – and for good reason – that ordinance was changed several years ago to provide that now preliminary plats must be approved by the City Council. This preliminary plat has been approved by the City Council. The old law, which said that they stopped with the Planning Commission, also required that if a majority of the Planning Commission caused a plat that was in compliance with all applicable rules and regulations to be rejected by the Planning Commission, that the Chair of the Planning Commission had to list the specific violations of law that it did not meet and sign his name to it. Well, that has been removed since the preliminary plat is now within the final authority of the City Council. But what it goes back to is the existing law says once that preliminary plat has been approved, the actions of the Planning Commission to approve a final plat are ministerial – purely administrative. You don't have the authority to reject it. If there is somebody on the Planning Commission who is inclined to make a motion to the contrary with respect to the approval of this plat, and somebody who seconds that motion, then I'll respectfully and sincerely urge each and every one of you to take a break, call your own personal attorneys, and find out what your personal exposure is if a majority of the Council fails to approve a final plat that is in total compliance with a preliminary that has been previously approved by the City Council. Thank you.

3. Ross Morris, Morris Engineering, representing Mr. Milligan – I just wanted to reiterate what you already know. We've been through the process. We came through and we've actually come through twice now. We've followed the procedures. Everything that's been approved on it through this body or through the Council was by procedure and we haven't circumvented anything and it's all been above-board. It's been discussed in open meetings and been approved in open meetings so that there shouldn't be – what we're bringing to you today is exactly in line with what was previously discussed, approved, and has gone through the process. We don't feel like there's anything other to do with this other than to just keep it moving. We appreciate your vote on that. Thank you.

4. Mike Milligan, Milligan Trucking – We do have an SWP3 in place for the property for the storm water pollution prevention plan. If you want to take a look at that, we have it.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Vice Chair Lewis stated it is the opinion of the Chair, after speaking with the City Attorney, that this is neither the venue nor does the Commission have the authority to make any ruling, as the Commission is a recommending body.

Jim Gasaway moved to place approval of Item Nos. 3 through 5 on the Consent Docket and approve by one unanimous vote. Cindy Gordon seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Roberta Pailles, Chris Lewis
NAYES	None
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 5 on the Consent Docket and approve by one unanimous vote, passed by a vote of 7-0.

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Item No. 3, being:

APPROVAL OF THE AUGUST 9, 2012 REGULAR SESSION MINUTES

This item was approved as submitted on the Consent Docket by a vote of 7-0.

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Item No. 4, being:

FP-1213-7 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WHISPERING TRAILS ADDITION, SECTION 3, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD APPROXIMATELY 330 FEET WEST OF 48TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Preliminary Plat

The Final Plat for WHISPERING TRAILS ADDITION, SECTION 3, A Planned Unit Development was approved on the Consent Docket by a vote of 7-0.

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Item No. 5, being:

FP-1213-8 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY MIKE & CINDY MILLIGAN (MORRIS ENGINEERING) FOR MILLIGAN INDUSTRIAL TRACT ADDITION GENERALLY LOCATED ON THE NORTH SIDE OF ROCK CREEK ROAD WEST OF 12TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Final Plat
3. Staff Report
4. Site Plan
5. Preliminary Plat

The Final Plat for MILLIGAN INDUSTRIAL TRACT ADDITION was approved on the Consent Docket by a vote of 7-0.

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Item No. 6, being:

CONSIDERATION OF A REQUEST SUBMITTED BY MARK RISSE/B3 DEVELOPMENT GROUP

6A. RESOLUTION NO. R-1112-129 – MARK RISSE/B3 DEVELOPMENT GROUP REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-6) FROM HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE AND THE ADJACENT LOT TO THE SOUTH.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Pre-Development Summary 7/26/12
4. Pre-Development Summary 4/26/12
5. Pre-Development Summary 3/22/12
6. Excerpt - August 9, 2012 Planning Commission Minutes

6B. ORDINANCE NO. O-1112-38 – MARK RISSE/B3 DEVELOPMENT GROUP REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, TO C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, FOR PROPERTY LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE AND THE ADJACENT LOT TO THE SOUTH.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Project Written Description
4. Rendering – Asp Avenue Elevation
5. Second Floor Plan
6. Site Plan
7. Sidewalk Plan

PRESENTATION BY STAFF:

1. Ms. Hudson – The first application is an update to the NORMAN 2025 Plan. If granted, the area will be commercial designation. The second application is for the rezoning. The existing zoning is C-1, R-3, and CO. The existing land use shows residential, office, and commercial. There were protests submitted for this application, totaling 16.5%. Staff has no recommendation. This comes at the heels of the high density discussion that has been going on all summer, and a report has not been submitted to Council at this time for further direction. The applicant is here with a presentation and to answer any questions you may have.

PRESENTATION BY THE APPLICANT:

1. Mark Risser, 333 Rocky Point Court, Sunnyvale, TX – Sean Rieger is a representative of the project as well. Darren Davis is my development partner on the project. I'm going to allow him to introduce himself as well.

2. Darren Davis, Austin, TX – I want it to be known first and foremost that I am a Sooner through and through. I'm glad to be here. This feels good. Living in Austin is a strange thing when you're a Sooner. When Mark called me about this project – Mark had known that I have some development experience and we had really done some multi-family and living in Austin, Texas we've had a high-density urban lifestyle revitalization in Austin. I was pretty excited to come up here and learn a little bit more about it. As I came up and looked at it, I kind of thought I know where Campus Corner is; I know where downtown is; I know where campus is. But I couldn't quite figure out the location. As we came up here and looked, I said I don't think you have a better site for a high-density project. I said you've got the University on the south end, which is a few hundred yards away, and you've got low-rise, mid-rise, high-rise. Then on the

north side you have the revitalization effort of the downtown which is only, again, a few hundred yards away. You've got these two bookmarks which really are marquee for Norman. I said what a better place to put in the aesthetics of a building like this, along with the density, to provide everything to connect those two bookends. So I was very excited to be a part of this opportunity, and I think as Planning & Zoning looks at this project, I don't know if it's a better project that you could put anywhere else in Norman than a high-density project such as this one.

3. Mr. Risser – Thank you, Darren. Again, we appreciate the opportunity to present the proposed project and I want to reiterate why we're here today. That is a rezoning effort. The properties are currently zoned C-1, CO, and R-3. What we're asking for today is to rezone that property to C-3. A lot of folks might ask why is this project important for Norman and why do we want this project in Norman? Well, one of the beauties of Norman and our community is that we offer a lot of variety on different living environments. We have the older downtown district, we have the tree-lined residential areas near campus, we have the west side which is a little bit more of a suburban type lifestyle, and then we have acreage lots similar to what you'd see on the east side of Norman. But what Norman does not have today is the opportunity to provide our community with a high-density project such as this that is in the heart of the urban community and the Campus Corner and downtown districts. That being said, our primary focus for this project again is to offer more choices for the community of Norman. In today's world, you have a lot more empty-nesters, you have a lot more young professionals, you have a lot more young families without children who actually would choose to live in a higher density project such as this rather than a rural area or a suburban area. Right now, if you were to take a survey across America, six out of ten prospective residents actually prefer a mixed-use or a high-density project when they're talking about living in an urban environment. Throughout the summer, there has been a series of discussions and there's been some talk about the perception of high-density. Being familiar with the Austin and Dallas markets, we understand that there is a perception that high-density may or may not fit within our community. But rest assured that these projects are extremely successful in college-based communities, such as ours, all over the country. There's not necessarily a magical answer as far as what density means, as far as how many units per acre, what a building height should look like. That's purely driven by the market and what the community will accept. We also know that renting is on the rise in America. There are more and more people that are opting to rent as opposed to buy. This would be an apartment project for rent in a walkable, obviously a very pedestrian-friendly community. It's just simply another lifestyle way of living that we're not offering today that we feel that the community deserves.

4. Mr. Davis – One thing that we've experienced in Austin -- when I first moved there in 2000 there wasn't high-rises downtown and Austin was looking for a way to revitalize the downtown. I kind of wanted to go to that small, sleepy college town. What we saw happening there was that just the green effect that it brought to the city for the merchants, the economy, the traffic – everything that it did. As I mentioned earlier, if you look at the location of this project, you're virtually connecting those two bookends on that. So I don't know if the Commission has had a lot of experience. I had virtually none ten years ago, but living in that environment today it's absolutely been one of the more powerful things that have happened to the community with all of the friendly environment, the convenience, everything from putting the community in a close-knit space.

5. Mr. Risser – Again, we recognize that there have been some questions with regard to building design, the scale of the building. We have recognized those questions and those concerns and we've gone through a pretty extensive design effort in order to address some of those. As you will see in the presentation, we have developed and created a new updated building image of what we perceive this project looking like. The lower left would be a view toward the building looking up Asp and the upper aerial view is a similar view looking toward the

north. One of the things that we're trying to do is create a façade on the building utilizing rich materials, utilizing different architectural elements to create visual interest so that, as we've heard about and studied in some of the sessions that we've gone to about stepping back the building and creating a less massive appeal, and we feel like we've accomplished that with the materials and the design of the façade. The building structure itself is composed of a two-story parking garage with four levels of apartments above that. There would be commercial office space that fronts Asp. The parking garage will basically be the same footprint on the first and second floor. We'd be limiting the ingress and egress of the vehicles to two locations onto Asp Avenue. Those would be very well indicated with regard to both the vehicular ingress and egress, as well as the pedestrian area. We understand that that's a highly trafficked area and will do what is necessary to ensure that vehicles coming in and out of that project are doing so appropriately. Again, going back to scale, we feel that the building and the project that we have proposed here today fits very well in the scale of the context in which it is. We've got buildings to the north and buildings to the south that are of similar type scale of the building that we're proposing. Another concern that we recognize is the traffic and the parking. We understand the importance of addressing both of those issues. The parking that we are proposing – this is obviously not a parking garage that is designed to facilitate Campus Corner, but we have adequate parking to accommodate all of our residents and commercial tenants as well. Again, with responding to context and what's out there today, there are larger buildings both to the south 600 yards away as well to the north, so we feel like the scale of the project is appropriate for the area in which we're proposing. One of the things that this project will do is it will attract students and will attract a higher level of folks that are wanting to live in an urban environment that we aren't offering today.

Next on the list here is the economic impact. We won't get into exactly what happens, but we all can recognize that a project of this magnitude is going to provide jobs and going to provide income and tax dollars to the community. The National Association of Home Builders has done studies on projects of this size and if you guys would like to learn more about what that might represent, we can certainly provide that for you. A project of this size, of up to 178 units, could yield upwards of 174 jobs in its first year of construction, and could bring in upwards of \$11 million to the economy during that first year. It will obviously have a ripple effect after that; once the project is stabilized the community could recognize up to 45-50 jobs in the area and, again, an annual income base of over \$3 million.

6. Mr. Rieger – I don't want it to be lost that also the economic impact is to the merchants in the area. One of the things that just happened recently – and I want to make sure you think about it – is Native Roots just recently announced that they're moving to Deep Deuce. They're moving to a project a lot like this – a project that has high density that can support commerce like that right around them. It's a shame that we're losing them, but this kind of project not just has an effect across the whole community, but it has a tremendous effect to the immediate area around it – the Campus Corner merchants and downtown merchants. Perhaps when this project goes in we don't lose a Native Roots again. So I don't want you to lose that thought.

7. Mr. Risser – So with that, and with this presentation, we just want everyone to consider what a little bit of forward thinking and approval of a project like this might bring to the community. With that, we will take questions or address anything that you guys have.

8. Mr. Boeck – One of my questions is the plans. You talk about up to 178 units. What's the design of these plans? In a college community, there's a lot of units that are designed with four bedrooms and individual bathrooms for students specifically. How are you gearing this design process? What kind of people are you designing this for?

9. Mr. Risser – You can see by the design of the project it's an upper scale product – at least that's what we envision. This is not a student housing project. It is market rate apartments open to whomever would choose to live in it. We actually are not specifically targeting the students

the same way some projects do with the 4-bedroom type floorplans. With that said, our mix is about 70/30 1 bedrooms to 2 bedrooms, so we're actually a lot more ones than anything. We do not have threes and fours at this time, nor do we plan on going that route. There will be a typical dual type master, if you will, in the 2 bedrooms, and the one bedrooms will be standard apartment floorplans and then we'll have some studio apartments. Did that answer your question?

10. Mr. Davis – One thing I'd like to add, Mr. Boeck, is we did some preliminary underwriting with HUD and the feedback we got from them that this is a market rate product, not considered student housing. The demand is for this product. So that was our initial conversations in looking at our lending process.

11. Mr. Boeck – Speaking of HUD, are you designing this – I guess it's all rental units. Is there a certain percentage of – you know, one of my concerns is rates that exceed some people's income that want to still live in an area like this. Is there – have you mixed your rents to possibly allow for lower – medium/low income people to live in an apartment complex like this?

12. Mr. Davis – That's a very good question. Just so you know, I work on affordable housing in Austin, so it's near and dear to my heart. The group that we were talking to and the lending was not an affordable component to it.

13. Mr. Risser – However, that said, like I said, we do have studio apartments designed in the project which would allow for a lower rent rate.

14. Mr. Gasaway – Looking at some of the paperwork we've seen, you had mentioned some live/work spaces. Would you explain what that means and how that works?

15. Mr. Risser – Yes. The leg on the north side of the building would have two floors of studios which could be utilized either for an art studio – that could also be an apartment. They will be designed more as an open space that can kind of be utilized as someone chooses. There will be an entrance specifically to the north side of the building, which would facilitate those units as well. As you can see with the building, what we've done is we've created a lot of ins and outs and a lot of variations with the façade. There is a second story large green space. In this area between the two buildings would be a pool deck with green space, cabanas, and an amenity center. Then this would be the commercial space fronting Asp. The leasing office would be on the corner. The sidewalk area would be a plaza type environment, creating again a very pedestrian-friendly feel as you're traveling across the building. We've utilized some different building materials and setbacks with our window and our fenestration to allow for a better human scale as you're walking down the sidewalk. There's another pocket right here and then the north leg of the building which I was referring to that would house the live/work units would be back here on this side. It would be a vertical circulation corridor in this side of the building as well as this side of the building, so there would be two elevator banks. Guest parking would be non-gated so the general public could come in, pull into the parking garage and park without going through the gates. The gates would be internal and would be for residents only. So once you pass through the gate you would need to be a resident in order to go up there and park in those areas. The second floor, alongside the commercial space, would house a state-of-the-art fitness center. That fitness center would be available to both the residents and the commercial tenants as well. We have a fourth floor club room which would be a wonderful gathering area for community folk to come and utilize as they wish, as well, which would overlook Campus Corner and views back down to the south and the campus area. Again, trying to create a lot of balconies, a lot of outcroppings within the building, to help minimize the scale of the project.

16. Mr. Rieger – I want to add a little bit to that. So often, Commissioners, you know when we're here with projects around OU we're talking about college housing. That's really all we've

ever talked about in Norman around OU in this area. But that's, as you're seeing, not what these projects are about. It's a whole new era for Norman that we're looking at the young professionals and that bookend approach that was discussed earlier between Campus Corner and Norman. I recall one time years ago where somebody told me that, gosh, we've got to look between downtown and Campus Corner and make something happen so we have some vibrancy and pedestrian walk and feel and connection. This is the beginning to that. This is where we start. This is how we launch that and make it happen. It's not student housing. It's a different approach to downtown and Campus Corner that will be incredibly dynamic.

17. Mr. McCarty – Mr. Risser, can you discuss a little bit about your setbacks, how you came up with your architectural design, as far as six stories – just what your thought process was through that versus maybe a smaller scale at the street level and stepping up to six floors possibly – just give us some basic understanding of the site plan and what your thoughts were.

18. Mr. Risser – Well, one of the things that we have to do – in order to create a product in this environment with the values that the land has, we have to achieve a certain amount of density on that, otherwise the project just simply isn't feasible from a land cost standpoint. When you get into downtown and urban areas, that's why you see the buildings are higher because the land is more valuable and, obviously, your unit count needs to reflect that. With regard to setbacks and the building size and site plan, we've basically utilized the site as we needed to or had to with regard to parking. Parking is what really drove this project and drove the height of it. We needed to facilitate a certain amount of vehicles within the garage and doing that yielded the building height. Now you could take the building and maybe take a portion of the top floor off, but then you don't create all of the ins and outs that create an interesting building such as this. The setback off of Asp is 20' from the building to the curb. So the building would be essentially on the property line on Asp, but having the 20' of what we're referring to as plaza space – which we would redevelop this area with a tree-lined walk, benches, landscaped lighting, and so forth – would be the front setback. The side setbacks – again, those were determined by the size of the parking garage. What we are trying to do is make sure that we can maintain some green space around this building as well as the sidewalk and bike path that runs down both the south side and on the north side. We have – actually, this is a parking lot on the south and then there is another commercial office right here. In order not to encroach on that commercial space any more than we need to, the building is pushed to the south so that we're going to hold 10-12' off of that property line and do a green space in between the building and the property to the north. The building on the far north, if you will – that leg – again the width of it is determined by the parking garage, which is essentially 64'. The lot is 75' wide, so we're going to have 11' to play with on our side yard setbacks on that side.

19. Ms. Pailes – We've just been through a lot of the high density discussions, as you are aware. Two virtues that are frequently mentioned is that it will reduce car space – traffic – by making people within walkable distance of their destination, such as work. So if this isn't aimed at students, that doesn't really apply. I mean, people can't walk to work, probably, from this location – or would not be expected to. We all recognize that if you're going to buy a pair of pants or a pound of hamburger, you're going to have to drive from Campus Corner to where those things are sold. So you're not going to be able to supply your basic daily needs from here by walking, and you can't go to work by walking. So that virtue doesn't really apply here. You'll be able to walk recreationally, which is a deal for older people. And you'll be able to walk to restaurants, but that's roughly it. You would not see traffic reduction because of high density in this location with this market. Is that fair?

20. Mr. Rieger – Well, I would disagree with you. Realize we said the target is not students, but the biggest employer in Norman, and in Cleveland County, in a big area is the University of Oklahoma. Significant number of professionals and professors and, obviously, a huge market in the University of Oklahoma. That, very much, could be people walking to work. Again, also, we

can't dispute that people are going to drive to a grocery store. Sure. Of course they are. But I think there are many, many trips that, when you put high density in places like this, that are taken away. The research shows that. The research shows, as you've seen in high density, that traffic count goes down from high density projects, because I would venture to guess absolutely that a lot of these folks will go down and eat at Campus Corner – will go down and shop at Campus Corner. So those trips are taken away.

21. Ms. Pailes – Actually, the research I found, which is admittedly online, says that high density adds to local traffic, because there's more people there. It reduces car trips overall in a general sense. But it inevitably, is the quote, adds to local traffic.

22. Mr. Rieger – I guess we could debate that. Some of the research I've seen from the Urban Land Institute says it reduces traffic, certainly from an overall traffic perspective it does.

23. Ms. Pailes – The second thing that is often listed as a virtue to high density – and this didn't really come up in the discussions in town – and so maybe it's not intended to be a virtue here – is that high density adds to open space. In essence, if you collect the people in one place you're leaving open space somewhere else that is maybe more valuable because it will have a large footprint – large integrity. Okay. So that discussion really never came up here, which is interesting. But I note that you are not obligated to dedicate any parkland. So this high density is not being offset by the normal parkland dedication, which would normally be fairly extensive for a big apartment like this. And you are not required to dedicate any open space. I just make that as a point – that of the two virtues that I would hold most dear in terms of high density, it doesn't appear that this meets either of those. That's the comment.

24. Mr. Rieger – Well, I think that's a debate as to how this is handled from a parkland perspective. But I would suggest that, when you put high densities into these areas, it brings an impetus for the City to invest in more of its recreational amenities in these areas. Imagine if Legacy Trail becomes a constant path of pedestrians because we start seeing projects like this. I would suggest to you that, if that happens, then you would see a tremendous investment from our community into Legacy Trail and other areas which, without the densities, you might not.

25. Ms. Pailes – But this group didn't contribute to that.

26. Mr. Rieger – Well, I think the residents would contribute.

27. Mr. Gasaway – I know you all have participated in some of the community discussions that we've had, and thank you all for being aware. With that in mind, what factors went into your determination to proceed with this now instead of waiting until the results of that study have been vetted through City Council?

28. Mr. Risser – Very good question. We participated in those discussions and, frankly, found them to be extremely helpful. They have actually driven a lot of our design and design values for the project. One of the things that we want to try to do with this project is present what can be. Sometimes there might be an arbitrary decision based on something that might limit what could be done. What we're trying to do is show you what can be done and why we believe that it works. We're trying to help the process along by displaying what the project is.

29. Mr. Knotts – Can you kind of explain to me why you're not using any access from Buchanan?

30. Mr. Risser – We feel that the Buchanan egress is obviously very limited. It's essentially a dead end road. We feel that it's much more appropriate to create two entrances off of Asp Avenue. Now if it becomes an issue and it makes sense to have an ingress only off Buchanan,

we can certainly look at that if it would help direct the flow of traffic. But, again, what we're trying not to do is have people exit the building onto basically a dead end road.

31. Mr. Knotts – I was thinking of ingress particularly.

32. Mr. Risser – Absolutely. That can be studied. If that makes sense and helps with traffic flow, then absolutely there's a possibility to do that.

AUDIENCE PARTICIPATION:

1. Barbara Fite, 535 Shawnee Street – A lot of this discussion has centered around business and I am a business owner on Campus Corner. I own Antique Garden. I have for ten years. I've devoted my life for the last ten years to making Campus Corner a better place. It has become a better place. It is now where everybody wants to be. We have issues with this high density – I do – for several reasons. One is it will increase traffic in an already dangerous area. Two is it's taking up 100 parking spaces that my customers and my employees now buy – I buy parking places and they park there. So those places will be gone. Parking is one of the biggest impediments we have to businesses on Campus Corner. Three is a bigger issue. I have a little bit more upper end retail store. I've been there on a daily basis for ten years. My customers love Campus Corner because it's unique and it's charming and the scale and history of Campus Corner is a lot what makes it that way. I want my high-end customers. I don't want students. I have them already. They are my market already. But I also get people driving in from Edmond, Tulsa, Oklahoma City because they love to shop here. That's who I want to encourage to come here, and this high density won't do it. It's rented. If he would do 401 Lofts right there it would be awesome and sell them to people who have disposable income. But this is not going to help my business. On the contrary, it will hurt it. The parking issue. The traffic issue. And the fact that this will draw students and it will ruin – to me – the feeling and scale of Campus Corner. It's too historical. Once that's gone, we can't get it back. So once the ambience of Campus Corner has been harmed, then it's a done deal and we can't fix it.

2. Don Wood – I guess I have about 50 of those parking spaces and I've yet to get a rent check from anyone for their parking in my spaces. So I don't know what she's talking about as far as people paying for parking in our spaces, because they're used but nobody is paying for that. We own 710 Asp – we – NEDC – the Norman Economic Development Coalition. We bought it 12 years ago. We bought it, and I remember Campus Corner 12 years ago. That was before the TIF – before we did the site improvements that were done there that I think helped the area a lot. There were not any stores that you necessarily wanted to go to there. I just have seen huge changes in Campus Corner, but the other thing I've seen is a constant flow of stores that have come in and they've been there for a year and then they're gone. They haven't made it. That's restaurants and stores. That's because there has not been enough people there to drive those markets – to drive the economics of those stores. If OU grows, that will help a little, but not much. If Norman grows, it will help a little, but not much. What's going to drive the economic vitality of downtown and Campus Corner is more people living in that area – more people going to the restaurants there. I talked to a friend of mine that moved to the Deep Deuce area because he wanted that lifestyle. I went to the Deep Deuce Grill on Tuesday by happenstance and drove right by Native Roots – it's right there in the Deep Deuce area. I see what's happening there. We need that option in Norman. We need to be able to see those kinds of opportunities for our merchants and for the housing opportunities for people. Mark didn't say it, but the commercial space he's talking about – that corner there would be NEDC's office. So we would not be leaving the area. We don't want to leave the area. That area is very important to us. So we would be on that ground floor level and our E-tech incubator would be on the second floor. So that's one of the things that we have an interest in this project for, because it allows us to stay in the area in the mixed use part of that.

3. Jeff Stewart, 1910 Pin Oak Circle – I'm with the Campus Corner Merchants Association. Our concern is primarily the parking is adequate in the unit. I think the project is great for the area, great design. I think it will boost our economy down there. We just want to make sure that there's adequate parking for all the occupants, both commercial and residential, within the unit so that there's not a lot of overflow into the Corner area. Parking is already tough over there. We don't need tenants and/or visitors of tenants parking in the Campus Corner area to go to that unit.

4. Rainey Powell, 1926 Pin Oak Circle – Yes, I do live next door to Jeff. I'm a property owner on Campus Corner. First of all I'd like to say I am a fan of high density. I do think that this type of project has some benefits to the Campus Corner area. But I do have two concerns with this project. One is parking. If you're looking at the parking ratios, there are about 180 units, about 10,000 square feet of commercial – that's 50 parking spaces. So what you're down to is about one space per unit. If you took half of those units and made them into a two-bed unit, then that's another 90 vehicles. To put this in perspective, we have 110 metered parking spaces on Campus Corner. Those cars are going to go someplace. So I think that any high density project needs to meet 100% of its parking requirements. My second issue is with the height of this facility. The picture, I believe looking north, doesn't do it quite justice. I think the property is actually higher than the McFarlin Church. This project is six stories. Financial Center downtown Norman is five. One other point. C-3 – that zoning was originally developed back in the days when OU students were prohibited from having vehicles. So you had commercial districts develop without any parking and if we didn't have a C-3, which does not have any parking requirement, then those commercial districts would be null and void basically. That's my understanding of C-3. Thank you very much.

5. Ty Hardiman, 630 Miller Avenue – I recognize many faces, of course, from the Planning Commission and from the audience tonight that were at the high density meetings the City has held. We have some differing opinions, but a lot of us share the ideas of wanting things like walkable neighborhoods. I certainly support the concept of parking structures for future parking needs. I support the idea of redeveloping some parts of Campus Corner that could be improved from what they are now. And I certainly support vibrant and thriving business districts. But there's some complicated things about this, which is why it has taken so long to get to this point, and I don't think we're quite ready to move forward. One of my concerns is that – by my math here, if you have 230 bedrooms inside of these 178 units, there's 230 cars that, in making their trips each day, are either going to have to go north, east, or west out of Campus Corner and there's three very complex intersections going any of those ways. There's not an easy and convenient way to get out of Campus Corner without going through a poorly designed intersection. Sometimes those intersections are several blocks away from the structure. My concern is having 230 people down there now and having another 200 or 300 a few months from now and another few hundred after that. I think that we need to take a long-term approach to what the future of this district is, and I think the applicant is just slightly premature in coming before you before we actually have the conclusions that all of us put forth and worked on so hard during the summer. Thank you.

6. Jeanette Coker, 620 E. Main Street – I didn't realize there was a 2-minute limit. As you know the City held a series of six dialogues over the summer. At the final meeting on the 30th of August a group of us handed out a survey to those who were there. We tried very hard to make the questions straightforward and direct. We did not want to lead responders toward a given set of conclusions. Some people took the survey home and we are still getting those returned. But I want to share with you some of the results and comments we have gotten so far. Question 1 was do you want high-density high-rise in core Norman? 71% said no. Do you want high-density high-rise in other areas of Norman if adjacent to residential? 74% said no. Should high-rise high-density be built in the same city block as a neighborhood of single-family homes? 82% said no. Should it be built across the street from a single-family home neighborhood separated

by a four-lane street? 64% said yes. Should it be built across the street from a single-family home neighborhood separated by a two-lane street – which is Asp? 79% said no. Should it be restricted to no more than 12' taller than adjacent structures? 72% said yes. We got into parking spaces and 15 of the respondents said it should be per unit; 32 people said it should be per bedroom, but in both categories they all – and our choices were 1.2, 1.5, 1.8, and 2. Do you understand what that means? The majority of them said 2. Should green space be required? 85% said yes. Am I out of time already? Let me read one more. Given that Norman has ordinances that regulate apartment buildings, would it be appropriate that any consideration of new high-density high-rise projects in Norman be deferred until after those issues have been resolved. 87% said yes.

7. Mr. McCarty – Ms. Coker, thanks for giving us that information. Would you tell us how many surveys were sent out, how many were returned, and what your target area was, and how you selected where it was sent?

8. Ms. Coker – We have asked people to send it out on their email, but none of those are included. This was only what was given out at the last dialogue and the ones that I've gotten back so far. There's 55 of them, I believe, that we've gotten back from that night.

9. Mr. McCarty – So do you know how many were sent out? And was the target market just the people that went to the high density?

10. Ms. Coker – It was just the ones that were there that night.

11. Mr. McCarty – But you have no idea how many were sent out?

12. Ms. Coker – Well, nothing was included in this. I've had them put on different colored paper so I could tell where they were coming back from and these were all from that night. Some people took them home with them and then either mailed them in or we had them take them to Midway Deli.

13. Mr. McCarty – So your only distribution was either email, by word of mouth, or the last meeting?

14. Ms. Coker – No. Not on this survey. No. These results are strictly from the people that actually went that night.

15. Steve Ellis, 633 Reed Avenue – I want to second Mr. Hardiman's comments about this. We have had a rather lengthy discussion about high density in the community and, as the City staff noted, the City is still digesting this issue. I think it would be premature to vote in favor of this proposal until that issue has been resolved through the process that has been set. My particular concern about this request is that it ends up providing a sort of template for an end-run around the public process that we've had before. When you actually look at the change in zoning requested, you'll notice that the move from C-1 to C-3 really doesn't play much role in this request at all, because you're moving from roughly 10,000 square feet of office space and commercial to roughly 10,000 feet – and that actually includes the work/live spaces – in the new proposal. So, really, what's going on here is you're being asked for a special use permit that involves 230 extra bedrooms. If this proposal goes through, it looks like it's a mechanism for allowing high-density regardless of what the City comes up with regarding the high-density regulations. I, myself, am enthusiastic about certain aspects of high-density, precisely because it might prevent some more expensive urban sprawl. But I think it's worth pointing out that almost all of the economic impact that's been suggested here is really a matter of just moving economic activity around Norman. I mean, it's arguably a benefit, but it's not like OU is going to hire more people to live there specifically. They're living someplace now; they may move there

if they prefer it, but this is really just moving stuff around. That may be beneficial, but Norman has to think about that. We have been thinking about it. Don't short-circuit that process.

16. Jayne Crumpley, 423 Elm Avenue – I also have participated in the high-density meetings and request that you please postpone this until that process is completed. A couple of things that I found interesting were the comments from the presenters continually talking about projects in Austin or other places that were "downtown". I do not consider Campus Corner downtown. To me, downtown represents a whole different style of architecture, much larger buildings, much closer together. Campus Corner is unique. And, as the lady said, if we destroy it, once it's gone, it's gone. That's what people come to see. I don't live very far from Campus Corner and I'm impacted by the parking for game day and other things. And when I read this – at one point in the Pre-Development Meeting they said they would provide 5-20 spaces for guests. So we've got 230 beds and they're going to have 5-20 guests at one time? I think that this project really needs to be put on hold until we're through with the process. Thank you very much.

17. Ann Groff, 806 Mockingbird Lane – I live a mile east of the art museum. I have two questions – a question and a comment. I went to a very small meeting – like 20 people – when they first proposed – Mark did. I didn't remember it was six stories high and I want to know if it has changed. Also, the way they have the picture up there is deceiving. If we could see a frontal from Asp Street looking at it – I think there's another whole building back there and that little beauty shop is tucked in there in the middle – I would like to see a frontal picture up there so that we can get a better idea of how it fits in with St. John's Episcopal Church. And, as someone stated, it is a lot bigger than McFarlin. It's not in keeping with the rest of the architecture there. Could I ask those two questions or comments?

18. Evan Dunn, 1014 Missouri Street – I, too, have participated in the high density meetings. I don't have any prepared remarks. I respect everyone's comments that have kind of expressed a little bit of anxiety about approving this without having created an official ordinance defining what high density is. Personally, I love the idea. Being a person who is maybe not the youngest person here, but I'm not a teenager any more – being somebody whose generation will be making choices about where we live, where we work in the next 20 and 30 years, I think that these types of projects represent the type of forward thinking that Norman needs to implement to attract the young, creative individuals who are aware of problems that are much larger in scope. This type of a living arrangement would be attractive to me simply because the walkability, the ability to attract and to maintain the businesses like Native Roots that simply didn't have enough clientele to be profitable. All of that contributes to, I think, a much more healthy Campus Corner. It can kind of, I think, bridge that gap between Campus Corner and what we all think of as being the downtown area. I'm absolutely in favor of it. Thank you.

19. Cindy Rogers, 633 Reed Avenue – I'm absolutely in favor of high density. Norman needs to think about high density. But, to think about high density, you need to plan it. When is it best? When you have good access – you have the roads. You don't have impacts on immediate neighborhoods. When it is clustered. I don't see how we are going to get a cluster of high density around this particular building. There's a church. There's already existing structures. There's another thing. The way you do this is you do the planning first. You figure out what areas we can have high density. You make it clustered. You have good access that would service all those. By setting up the ordinances first, you pave the way for more high density that fits the community, instead of every project having to come up and everybody hash out all the details. That makes the planning process more efficient, effective, less contentious. So I'm going to urge you to let the process weed itself out, figure out what we need in Norman, what we want in Norman, what we can support in Norman, where these projects should go – rather than a project here, a project there, a project there. That's not the way to do high density. I've been in cities that have lots of extensive high density and they have a big strip of nice buildings, good

facilities, good bike lanes, everything connected up nicely, but you don't do it by putting the projects up before you do that planning – before you get the homework done. So I encourage you just wait a little bit longer and so we can do it right instead of piecemeal.

20. John Woods, 4104 Castlerock – I wanted to address just some of the comments that were made today and give my perspective of them. First, there's a question about the disposable income of those that typically live in high density. I would argue that those that question the disposable income of individuals that live in this type of project would do so at their own loss. You will actually find that individuals that tend to live in higher density projects like this will have a greater percentage of disposable income than individuals that live in \$300,000 homes, because they're typically mortgaged to the hilt. These individuals tend to have a lot of disposable income and I would recommend marketing to them if you have a local business. Secondly, the comment that this will destroy the character of Campus Corner. As someone who is a fan, an alum, and a big believer and booster of Campus Corner, I would encourage you to relook at the pictures of the buildings that would no longer be located in the facility if you were to put this in. Those are not buildings that I would necessarily consider full of a lot of character. Third, when we talk about the zoning requirements of high density and where we're at on the discussion, we absolutely, as a community, are having a very important discussion in terms of higher density. However, I would make note, and ask for you to consider the fact that this particular applicant had submitted and started his process – his work – months and months before this city decided it needed to have a high density conversation. Now to tell an applicant that once they've invested those funds that the city itself, or the community, wants a time out so they can discuss it in a wider sense, I think is unfair to that specific applicant that has started his process much in advance. It's not his fault the city wasn't prepared for the game. What I would encourage you to do is look at the individual project on its own merits and the fact that it is legally being asked to be zoned in a manner that does legally fit this particular project and look at it on its own merits. Finally I would say, if you look at the standards of parking, this does indeed have enough parking. We need more parking at Campus Corner. But that's not the responsibility of a single applicant. That's the responsibility of this community and it is something we absolutely should address for campus. Thank you.

21. Mr. Rieger – Can I run through a few that I have jotted down? I want to address a couple of points. One was mentioned of height. Why six stories? Well, this is a very important point that I want to talk about in some detail, and as it concerns also as to why wait. I'm intrigued always when I hear people that say let's wait for the community to plan the ordinances as to how these projects are going to work. Think about that. The community doesn't put the investment risk into it. The community is not going to build one and hasn't built one. It's this man and his investment team that has to figure out how to make it work, and that means economically. That means that if it means six stories has to happen, that means six stories has to happen. If the community comes back and says four stories is the only thing we're going to allow, then we've destroyed all opportunities for high density. So I would urge you to consider that the applicant is as much a part of this process, if not more, than the community in the sense that economically it has to work. Six stories is the only way it works. We shouldn't wait for an ordinance, as Mr. Woods said. I'll give you a little bit of history on that. North Porter. I was a zoning applicant on Van's and Goodman, and I remember when we went through, and we got the second one done and then the City said let's do a study. I remember the call. I was in my office and Midway Bob Thompson, the Council member then, called me and said, "Sean, will you just wait six months – if you'll assure me that you won't bring another zoning here for six months, we'll have the study done, we'll be alright, we'll know what we're going to do." It was over two years later that that study got done. When it got done, I think more importantly, we had asked at the time – in, I think, 2004 or 2005, for Van's to have a parking lot in the back. As part of the debate within the neighborhood and everything, we had proposed a wall on a line with shrubbery and maintaining mature trees. Lo and behold, we didn't win that zoning, but later – many years later – that applicant saw the Porter process play out and actually they got

more after the process was done than they did before. They had actually done a good job, as has Mr. Risser, in responding to the community dialogue at the time that they submitted. I think the same thing is happening here. He has responded to that community dialogue. He has used the ordinances as they exist. He ought to be allowed to go on through because I'm quite concerned that if you put him on hold, it could be another two years. It could be a long, long, long time and then we'd lose that opportunity.

I want to also address comments about Deep Deuce and areas like that. It's been mentioned as an example of those areas. I want to remind you that they didn't build the grocery store first. They didn't build the elementary school first. They brought the people in first. They brought the people and the population into those intense areas first and then the services and other things follow and they followed quickly. That's how high density tends to work. You bring the population in and the people in and the commerce follows.

The last point I want to make before I get into a couple of the questions and Mark will, too – sustainability has been mentioned a couple of times. We've talked so many times in this community about sustainability and sustainable growth. It's becoming very clear – more and more evidently clear in our community that growing on the outward edge is going to be heavily debated. We just saw it tonight. I want you to think back to a moment at this podium when Mr. Milligan was challenged because of a WQPZ zone. Well, there's going to be WQPZ zones on a lot of projects going forward because about the only other areas left in Norman to grow into are the Thunderbird watershed where the WQPZ zones affect. You just saw the fight and debate that happened there on a tiny site. The growth in this community, if it's going to happen to sustain the Norman 2025 goal of 137,000 people by 2025, is very likely absolutely going to have to happen through high densities. It's the only way we will get there. It's the only way we will satisfy that population. If we don't, then areas to the south and Moore will continue to grow and surpass us. It is the goal of this community, stated in 2025, to grow and manage growth to accommodate that population. But as a community we've continued to defy that on the perimeter. Alright. If we're going to do that, so be it. But then we must accept these projects and we must start putting these projects through. When it's been done well, we ought to accept it.

I do want to address one other thing, is the parking. I want Mark to talk about that. If there's any others I missed, please tell me.

22. Mr. Risser – With regard to parking, our unit count and the unit mix at this point is what we propose to go up to. So that still will need to be defined. We have landed on 256 parking spaces in the building now, which is about 2.5 times what Campus Corner offers as it sits today with regard to metering, from what I had heard. Again, our units will be established by the number of parking. So we will make sure that we have adequate parking for the commercial spaces. Guest parking will be able to park in the commercial areas in the evenings. We will have guest parking for the residents and for the commercial space. The typical project like this will work off of one per bedroom and that is what we intend to provide. Again, the whole project has been derived by what we can park. Please keep in mind that parking is a big concern and one that we are focused on addressing in this project.

23. Mr. McCarty – Real quick on parking. So one per bedroom, and then what are you proposing in the commercial area? There's 10,000 square feet of commercial space potentially – is that right?

24. Mr. Risser – Actually, no. There's 5,000 square feet in the commercial office for NEDC. There's another 1,000 with the leasing and the live/work units can be considered commercial as well, so we've got some crossing over there with regard to parking. So, again, we've maximized the parking at 256 and we will develop the unit count based off of that parking and what it can support.

25. Ms. Gordon – Can I just ask a few parking numbers? I know that it's kind of fluid right now because it's based on how many units. But in the estimate, you're currently estimating around 230 units. Is that right?

26. Mr. Risser – No. I think we're estimating around 176 units.

27. Ms. Gordon – Okay. Then you said it was about a 70/30 mix – or you plan on that for single to double room.

28. Mr. Risser – Yes. Approximately.

29. Ms. Gordon – So that will come out, if you were to work the numbers, it would come out to around 256.

30. Mr. Risser – Again, this is a fluid component of it right now, but I believe we landed on 216 bedrooms and then the additional was commercial space and guest parking. But, again, the unit count may be 74 or 75.

31. Ms. Gordon – So that would leave approximately about 50 extra spaces for guests and commercial and that type of thing. Right?

32. Mr. Risser – That's right.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – In thinking through this, having been in Norman for 40 years and looking at Campus Corner and understanding the conversation about what Campus Corner was before we got the TIF and what it is now – I actually went to Pepe's last night. It looks like about 30% of Campus Corner, or somewhere around there, is empty. One of the biggest issues is not the people on Campus Corner, it's parking. I would comment right now one of the things that we need to do – parking and circulation are probably the biggest issues that we need to deal with on anything that goes on Campus Corner. I've talked to a number of communities about mixed use and high density development. Talked to a planner in Austin – talked to a planner in Ann Arbor. One of the biggest concerns – and I've brought this up a number of times – is having a private/public collaboration to get enough parking spots to make an area work. Campus Corner has never had enough parking. I was hoping to see that some of the additional parking needed to make Campus Corner work could be coordinated, like it is in some other communities, between the City and the developers themselves, where they work out – well, if you give us a few more parking spots that can be used by the community, the Campus Corner area, we'll allow this to happen. I'm not sure that we've gotten to that point yet. So I generally am feeling that we really need to finish – I mean this is C-3 – this is asking for C-3 zoning, but it still brings up the issues that we have with all the high-density mixed-use development that we're talking about. Until we actually have a policy and a program and a statute and a zoning ordinance that specifically not only calls out for certain kind of things but also allows for certain other kind of collaborations to go on, I'm having a hard time saying let's approve this now because I don't think we're ready for it. I understand your comment, Sean, but I participated in the whole series of discussions, and I really feel that – I mean, you could say the Elseys are being hurt by what we're discussing. But we need to have this discussion and it needs to happen because the idea of doing things in a holistic approach – I think about cars – 250 cars dumping out onto Asp Street and, having been on Campus Corner last night and seeing the traffic that's usually there – people looking for parking spots – it's a mess and it's just going to get messier. I know Don – it is an important – I like the concept. I love the concept. I'm into high density and mixed use. But I feel that we don't want to have a knee-jerk reaction to every project that comes up and we need to have a holistic approach. That's my comment.

2. Mr. Knotts – It's my understanding we can't postpone something.
3. Ms. Connors – The Planning Commission has the authority to postpone an action.
4. Mr. Knotts – It seems to me that we had many hours with Mr. Heiple telling us that we couldn't.
5. Ms. Connors – No. You never changed your rules. Mr. Heiple requested that that be a part of new rules. But your rules have not changed.
6. Mr. Knotts – Golly. That just shows you how much, if you hear it often enough. Okay. So on this project, I kind of have an odd kinship with this architect here because I think it's a good project. I don't think it's a great project, and I think this needs to be a great project. I think Don needs to come with megabucks and you guys build a facility that can park the Campus Corner area, and then I think that then this will be the basis for a real large planning effort. But since I find out that we can postpone, I'm kind of leaning that way, just because we have a process. Planning is a great process. So I'm kind of having difficulty supporting the project as it is.
7. Ms. Gordon – I want it to be noted in the record that I actually agree with Sean Rieger this once. I know it's a shock. I think there are some flaws with this, but – I could be wrong with this, but it seems to me that it's not their job to provide parking for Campus Corner. It's their job to provide parking for their development. It seems to me that, based on what I'm hearing about the numbers, that it seems that they will be providing adequate parking. I think the problem necessarily isn't the parking. I think – and Tom brought this up earlier – I think the problem is going to be more of the traffic with the ingress and the egress and dumping out onto Asp, because it's already so highly congested there. I think that might be kind of an issue that needs to be looked into more. I just think that urban sprawl is going to be a problem in Norman. I think high density developments are important. I'm not saying that we shouldn't necessarily wait; then, again, I'm not saying that we should necessarily go forward quite frankly. I'm not really sure what to do with that. Because I disagree slightly in that the suggestion that what the community has to say about it isn't as important as what the developer has to say, because, ultimately, these are the people living around this area and dealing with the traffic, and dealing with any potential parking issues – although I don't think there are going to be. So I don't know the answer whether we should wait. But I'm actually supportive of this project.
8. Mr. Gasaway – I'm glad Mr. Rieger brought up Porter, because I wanted to take a little different point of view on that. To me, high density is probably of equal importance as the Porter Corridor study is in terms of affecting the entire citizenry of Norman. It's not just the people in Campus Corner; it's the entire citizens of town. It's a brand new concept. Whether we're years behind, I don't know. All of a sudden Norman is a hot market for high density, and I don't know what's caused that all of a sudden. But I do agree with Mr. Rieger that the Porter Corridor study took too darn long, and I was chair of that committee, and it took too darn long. But what I wanted to tell you about Porter is that, before the corridor study when we would have Van's or some of the other businesses come before Planning and Council with their business plan, this chamber would be packed with angry citizens – very angry citizens. After the Porter Corridor Plan, we've had at least three applicants with major changes who met those recommendations. There was not even one person in attendance to dispute that. It was an incredibly important study and I liken high density very much to the Porter Corridor study. Now, there's some facts today that I think are very important. Mixed use is here. We don't have much of it in Norman. I think mixed use is very important. It's kind of a hard concept to get your hands around. We do have it. More will be coming. I think it's very important. High density is coming. I think it's very important. It's coming, but I think it's very important to be where we want to be before we say it's here. This is a great project for NEDC, which is an extremely important function in the city. I think it's good for the economy of Norman. It probably does meet an unmet need

for rental apartments for professionals in town that we don't have much of. I would agree the subject area that we're looking at tonight is probably not Campus Corner's finest hour in its current state. It could do much better. I think the design of what we've seen tonight, in my opinion, is much more appropriate for the downtown area in its current form than the Campus Corner area. I asked a question about – they had participated in the conferences and I said, well, why did you decide to go ahead and proceed, and I'm going to paraphrase a little bit, and the answer was we want to be a poster child for this type of project. Well, being a poster child is okay unless it's the kind of poster child that 40 years from now people are still pointing at saying, "Good grief, how did that get here?" Who let that happen 40 years ago? We don't know that that's where we want to be right now. In the six public meetings, I think there were some people there who disagree with the importance of high density, but I think there were more people there who said we're willing to look at it but we want it to be right for the City of Norman. We want it to be in the right places. I'm in favor of this concept in some form. But, you know, we're not Dallas; we're not Austin; we're not even Deep Deuce. I think until we can take some time to look at this further – and I certainly hope we can do it faster than Porter Corridor – that we need to take some time to look at this before we approve this kind of project.

9. Ms. Pailes – Again, in reference to the meetings that we held, there was some kind of general agreement – people were in general accord that small parking garages were a good idea. The general accord was that they should be put on arterials, and Asp is not, by any stretch of the imagination, an arterial. Several times the location of high density was brought up, and I'd say – absolutely nothing was unanimous – but there was certainly a great deal of voiced sentiment that high density was inappropriate for Campus Corner or the organized historical neighborhoods. That was fairly clearly expressed on a number of occasions. Now, again, Mr. Rieger, if you don't care how the community feels, it doesn't matter. But we've all invested 40 years of our life and most of our income here and that investment counts, just as does the investment by people who are attempting to build things. To quote Mr. Heiple, who has often mentioned how important it is for developers and builders to have reasonable expectations – you begin a project, you should have a reasonable expectation that the community will find this legal, acceptable, and so that you can proceed and put your money into this with a reasonable expectation that it will bear fruit. Okay. That's entirely appropriate. What I'm thinking here is one question we didn't address. If we decide, say, that Campus Corner is appropriate for high density, how much is a real question. If one is put up, that's a precedent for having another one, too. If two high density units go up, well, that makes it more reasonable for three, four, five, six. At some point, you've lost Campus Corner, which was characterized by one architectural study as an area of human scale and small, amusing vistas. At some point, you lose that and you have a high-density apartment district. At that point you've kind of killed the goose that was attractive. So I don't think we ever addressed the expectations of a developer. If you put in one high density unit, can you just have many, or do you draw boundaries around an area and say this much in this area, this much somewhere else? I don't know. We didn't address that. I think you kind of have to before you proceed – before you set the precedent. I think you have to kind of know where you want to go with the whole area in terms of how much high-rise you can expect and still maintain the character of an attractive area – an already attractive area. I mean, I'm from Phoenix and I just don't get it why massive apartments would be interesting – I just don't get it because I've been there. Other people enjoy that and fine. It's a mystery to me. To me it seems perfectly reasonable to have a town character and to maintain a town character. We have a city 30 miles away and everybody wants to live here. So I don't see high density as exciting. I've seen a lot of it. It might be a good thing. I don't know. Just personally.

10. Mr. Lewis – In thinking about this, change such as this in an area such as Campus Corner is often – not always – approached with trepidation – the fear of the unknown. What are we going to have? Because many times we can't visualize completely – 100% – and grasp what is going in. I think Mr. Risser and Mr. Rieger and their group have done an extraordinary job in

presenting us what concept actually will be on Campus Corner. When I think about the many businesses that transition in and out of Campus Corner and the economic impact – why are those businesses transitioning? Like Mr. Stewart's business. How will that be impacted by a development of this sort? I can only imagine that it would be impacted in a positive manner. When I think about what are we going to do with the traffic, and as Commissioner Gordon did the numbers as well – there's going to be adequate parking for the complex. There's also going to be additional parking that Campus Corner can use, however, that's something that's being provided, but not mandated. I believe that the deciding factor for me was when Mr. Dunn came to the podium and spoke very eloquently about looking forward. This is about looking forward to the future of what Campus Corner is going to be. Are we going to allow the development that is much-needed there? Or are we going to tell young adults – business professionals – take your dollars and go to a different community that can provide a housing design and community that you would prefer to live in? Is that going to be Oklahoma City? Is that going to be Deep Deuce? What is that going to be? So even though I came to this meeting with the decision I was going to vote against this, this has to be a project that, of the many that come before this Commission and I've seen, that this is the one that has the greatest amount of impact in pushing Norman forward into an area – even though I, myself, have trepidation about the project – I have to believe in the design and the concept, the economic impact that it is going to have in our community, especially in an area where we see significant transitions in business because there's not enough money or economy there to support it.

Tom Knotts moved to postpone Resolution No. R-1112-129 and Ordinance No. O-1112-38 until we have the high density planning process completed. Roberta Pailles seconded the motion.

11. Vice Chairman Lewis asked whether the Commission has the ability to postpone an item. Ms. Messner explained that it is her opinion that the Commission has the authority to postpone, especially if they are asking for more information from the applicant or waiting on other pieces of information that it needs in order to make what they feel is an informed recommendation to City Council. The motion should be to postpone indefinitely or to postpone to a date certain.

12. Mr. Rieger – I think our deepest concern here is how long is it going to take? I think we would support a postponement for one month and see what happens at Council now, with this project basically in front of them – if not through your vote – in the forefront, and also to see what kind of progress they've put forth for this study to conclude. But we want to be back here in one month and see what that is.

13. Ms. Connors reported that the only date certain in the continuing process on high density is September 24 to go to the Community Planning and Transportation Committee for them to receive staff's report from the discussion. There is no direction where the process will go from there.

14. Mr. Rieger – That, Mr. Chairman, is our concern. As much as we hear that we need the community direction, with all due respect we have not seen a timetable for that yet. So I think we need to be continuing on on the agenda in one month.

15. Vice Chairman Lewis – We have a motion and a second on the floor for postponement that truly, I believe, is putting an undue burden on the applicant that this body truly does not have the authority to do. While Leah certainly has given her interpretation, I believe this is a question that needs to go to the City Council. We are only a recommending body – nothing more; nothing less. And to put an undue burden on the applicant I believe is unfair.

16. Harold Heiple – With all due respect to Leah, I've said before and I say again you do not have the authority to postpone without the consent of the applicant. There is a distinction here between what happened in Porter Corridor and what's happening here, and that was that City

Council specifically said to the Planning Commission while Porter Corridor was going on don't bring any rezoning applications forward during that consideration process. I don't think the City Council has said that – has formalized that with respect to high density. That being the case, it throws you right back into the situation that you are nothing but a recommending body and when you say you don't have enough information before you – they've complied with all the ordinances. The staff report shows that. They've got the right to go forward and, unless they say it's alright with us to postpone for a month, you can't impose financial burdens on them. You can vote no, but that lets them get to the City Council. So I respectfully maintain my same position I've always voiced about that.

17. Mr. Rieger – Mr. Chairman, I certainly respect Mr. Heiple and would agree with his opinion and would disagree with Leah's. I agree with that, that you don't have the authority. We simply, as we said a few minutes ago, are willing in good faith to say, okay, we'll come back in one month. But I want to assure you our patience will wear thin on that, as it did on Porter and on other projects, because this is a project that, when you see projects like this, with all due respect, they can't just sit around and wait and percolate for that long of a period of time. They're under timeframes of a lot of investment issues and they have to go forward. So, respectfully, we will agree to one month. We disagree to your ability to move on your own, but we'll agree to one month. And then we'll be back here and we're prepared to go forward again at that point.

18. Mr. Knotts – How many times have we had this project withdrawn by the applicant? Three times?

19. Ms. Connors – I believe it was three times.

20. Mr. Rieger – Commissioner Knotts, this is not our motion.

21. Mr. Knotts – Let me finish. If the project is uncertain enough to be postponed three times to our body, I think we have the ability and the responsibility to have a full and adequate review of that and the process that we have started inside the City of Norman and the population.

22. Mr. Lewis – I would say to that, that is not this body placing an undue financial burden on the applicant. That is the applicant making a choice, in and of themselves, to request a postponement.

23. Mr. McCarty – Point of information. I was at a couple of the Pre-Development meetings for this. I think they went to two or three of them, and the project had grown. The reason they had to go back to Pre-Development is because they acquired more land. So that is why some of the postponement or removal from the docket had gone forward. I was at, like I said, a couple of those meetings. So, again, I think it sends a bad message to postpone something that meets all of our requirements as a city or it wouldn't be on our agenda.

24. Mr. Rieger – You know, this reminds me, if I may, Mr. Chairman, again, there's no uncertainty on this side of the dais. We're very certain of what we're doing. We're happy to go forward right now. This does remind me a little bit of the project that went through recently that went through on the MUD ordinance and met the ordinances and it got pushed through. That was decided that that was not going to be held back. You recall that one. I think we fit in the same category. Absolutely.

25. Steve Ellis – I think it's important to note that the applicant is actually asking for you to make a positive recommendation, one, that they're not fully in compliance with the law right now – they don't meet the zoning. So, given that they're asking you to change the zoning, it's clear that they don't meet the current regulations. You have the authority to do with that what

you will. If you don't think that you should ask them if you want more information – again, I'm not a lawyer. I assume that Leah is. But I think the idea that it's a financial hardship on the applicant when they actually have to ask for a change in the rules in order to do what they want to do, assumes that you are under an obligation to change the rules because they have a plan, and that's not the case. The rules would not allow them to build it now, so they have to ask, and you can say what you will about their request to ask. But they're asking – it follows that they don't currently have a right to the change they're asking for.

Mr. Knotts withdrew his motion to postpone, and Ms. Pailes concurred.

Curtis McCarty moved to recommend approval of Resolution No. R-1112-129 and Ordinance No. O-1112-38 to the City Council. Cindy Gordon seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS
NAYES
ABSENT

Cindy Gordon, Curtis McCarty, Chris Lewis
Dave Boeck, Jim Gasaway, Tom Knotts, Roberta Pailes
Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1112-129 and Ordinance No. O-1112-38 to City Council, failed by a vote of 3-4.

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RECESS
8:22 to 8:32 p.m.

* * *

Vice Chairman Lewis announced that during the break the applicant for Item No. 9 requested a postponement for one month.

Curtis McCarty moved to postpone Ordinance No. O-1213-9 for one month to the October 11, 2012 meeting. Tom Knotts seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Roberta Pailles, Chris Lewis
NAYES	None
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to postpone Ordinance No. O-1213-9 for one month, passed by a vote of 7-0.

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Item No. 7, being:

ORDINANCE NO. O-1213-6 – AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF NORMAN TO ADD PROVISIONS TO ALLOW DIGITAL ON-PREMISE SIGNS IN SECTIONS 18-303, 18-405, 18-412 AND 18-506; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Ordinance No. O-1213-6 (Annotated)
3. Excerpt – Planning Commission Minutes of August 9, 2012
4. Illuminating the Issues: Digital Signage and Philadelphia's Green Future (bound separately)
5. Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs: Final Report (bound separately)

PRESENTATION BY STAFF:

1. Ms. Connors – This on-premise digital electronic sign discussion started at the Business and Community Affairs Committee. We discussed this with them in March of 2012 and also in May. This also has been to a City Council Study Session on June 19, and they requested that this ordinance be moved forward. It's before the Planning Commission because it is an amendment to Chapter 18, which you hear. Our current sign code prohibits all signs which are animated or have real or visual movement. That prohibition has been in the code since 1979. In our current code there are five classifications of zone groupings for on-premise signs, and all land uses under the City zoning ordinance are contained in one of those five classifications. So instead of going by zoning district, we go by these classifications. We have an industrial, commercial, office, medium density, and low density. The three that we are discussing this evening as a part of the on-premise digital sign discussion is 1, 2, and 5. So in the proposed language for on-premise digital signs – if you'll remember, we've already gone through a process and approved off-premise digital signs in Norman – on-premise digital signs would only be allowed within the commercial and industrial categories, and then as well as institutional uses would be allowed in low-density residential areas. An individual business would be allowed either a building sign or a free-standing sign, but not both. However, in projects utilizing joint use signs, such as a shopping center, if the joint identification sign were digital, then each business could also have a digital wall sign. The language in this ordinance restricts the location of the digital signs for the commercial and industrial sites near signalized intersections to be no closer than 50' to the edge of pavement. All these signs cannot have any visual movement, but must project from one static image to the next, with a dwell time of 12 seconds. The off-premise digital sign dwell time was 8 seconds. You probably don't remember that. This is slower because you're going at a slower pace on city streets. The illumination for these digital signs during the daytime is 5,000 NITS and 300 NITS at night. At night they don't need to be as bright because we're seeing them in the dark. We also require that devices must be installed which adjust for the ambient light levels if they change, and that the device will freeze if there's a malfunction occurring in the sign. It also requires a separation of 200' for the commercial and industrial sites between the sign and any nearby residential zoning district. In another portion of the code regarding low-density areas and institutional uses, such as churches and schools, this 200' rule doesn't play in. In those sections the sign code will regulate signs that can occur closer in neighborhood areas, because most churches and schools are not 200' from a residential zoning district – they're either in the zoning district or across the street from it. That's primarily the changes.

AUDIENCE PARTICIPATION:

1. Brad Raley, 541 S. Flood Avenue – I have to say, when I heard about this ordinance, I thought it was a solution in search of a problem. I don't know about you, but I feel absolutely inundated by advertisements everywhere I go. I am puzzled that we want to do more. I'm also struck by the fact that, in an age when everybody is going smarter and to social media, that we are essentially going back to the 1950s for our technology for advertising in our approach. The

biggest concern I have beyond that – that's sort of a basic objection – is I live right on the edge of the historic district. As far as I can see, there's no restrictions with the historic district. I live just down the street from the Firehouse Center. I assume they would have good taste, but I don't know. I have huge concerns, as do others, I think, with the residential areas with schools and churches. The fact that there is no restriction there – that you can have very large signs in a residential neighborhood strikes me as counter to the nature of Norman. Personally, I think the whole thing should be rethought. The only part of it that makes sense to me are for the buses. The rest of it, I don't see the point. But, if it's going to go forward, certainly we can restrict this kind of signage with churches and schools in residential areas. That seems to me to be a fairly common-sense approach. Thank you.

2. Megan Benson, 1235 Windsor Way – I am aware of the sign ordinance – the passing of the sign ordinance in 1979, after literally years of study by the Environmental Advisory Control Board. I feel like I have an inside track to the original intent of that law because my mother, June Benson, was one of the crafters of that piece of legislation. It's been proposed and cast as safe, inevitable – as high-density housing – necessary to stay current with technology, and it's portrayed as true to the original intent, and it really is none of these. We have the choice to say no as many other cities have and entire states have. The ordinance as crafted would allow lighted signs to change every 12 seconds. While I would argue that this alone is distracting, if you stand at the corner of Berry Road and Lindsey and look west, you will see a minimum of 50 signs, all of which will be changing every 12 seconds, and I doubt they're going to be coordinated. The result is that each of these changing signs would create visual chaos in an already high-accident area. I'm just using that as an example. There are many of these around town. But let's move north to the intersection of Berry and Boyd and look west. In that residential neighborhood, there are five churches and institutions in the block between Berry Road and Wiley Road, all of which can have signs – illuminated signs every 12 seconds changing their message. The signs will be taller than the single-story single-family dwellings that are right across the street. It's out of proportion for that neighborhood. I don't know of any other example, but I can imagine there are several in this situation.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Pailes – I've been curious about the permission for the churches and schools, also, because those are typically things that you find once – I mean, you look for them once and then you know where they are, as opposed to a McDonalds, for your random traveler wanting to find it. It's not usually a random traveler looking for a school or a church, so you did wonder why they needed a 12' changeable sign. I live in a neighborhood with two nearby churches – three actually – and it just seems excessive for a residential neighborhood. I thank you for all of this information, which was very nice, although I didn't read every word. It looked like the ordinance covered a great deal of what they suggest as best practices. Some things they did not cover – the studies mention that people will wait for the change. If you're driving down the street and you know a sign is changeable, you'll watch it until it changes. This makes them hazardous, even if you're trying to account for that; the very fact that it will change makes people watch them longer. The other thing that ordinances like this commonly include are requests – demands – that the materials be recycled, since those light bulbs all burn out. Many things talk about the worry about digital signs on corners, because if you have a 45 degree angle corner you've kind of got to track that corner. If you've got a bright digital sign straight ahead, you're apt to lose your place in the lane because you're tracking the digital sign instead of your corner. So it seems like there are several lacks. Now I don't think we actually have any ability to add or subtract from this – probably just say yes or no. I don't even know if we just maybe accept it. So I'm not really sure what our role here is. But it seems that there are several areas that are both too permissive and that have some lacks. That's it.

2. Mr. Boeck – It's one of those deals where I know schools already have – university some. Most of those signs seem to go on highways. I look at the signs coming down I-35 and seeing the

signs just right there by the Baptist school. You see them as you're driving by – you can see them change. But the idea of having them in residential neighborhoods at churches, to me – we've got enough eye clutter as it is. I understand technology. I just have a problem with filling our commercial streets and churches and schools with digital signs that just advertise more and more stuff. So that's my comment.

3. Mr. Lewis – Susan, I do have a question. Certainly not segregating out a specific entity, such as a school or a church, if a sign abuts a residential neighborhood, such as our lighting ordinance we require shielding – is there any type of time limit on when these signs can be active that abuts a neighborhood, or is there any type of shielding that is required?

4. Ms. Connors – There is no shielding, but I did want to mention that in the low-density residential areas these signs must be turned off at 10:00 p.m.

5. Mr. Lewis – At 10:00 p.m. So completely off, regardless of whether it's church, school, hotel?

6. Ms. Connors – In the low-density residential areas, that's right – whether it's church or school, they all must be turned off at 10:00 p.m.

7. Mr. McCarty – The example of looking up Berry on Boyd west – churches across the street from residential areas. It's less than 200'. It's probably a 50' street, I'd guess. So those would have to go off at 10:00?

8. Ms. Connors – Yes. Unless you're in a commercial or industrial area.

9. Mr. McCarty – They can't have more than 300 NITS. So that's 25 mph and I haven't ran the numbers, but if you're driving the speed limit, how far can you travel in 12 seconds? I guess my question is, is that intended so that it doesn't distract you? Is that distance of travel – 12 seconds – intended at any certain miles per hour?

10. Ms. Connors – Really the 12 seconds was taken from literature research that we did for on-premise signs, and that seemed to be the standard, as well as 8 seconds on the freeway. It has to turn in a second. The change can't linger. So it's a one-second turn from one image to the next.

11. Ms. Gordon – I have a quick question. The 300 NITS basically at night until 10:00, right, and then they have to turn it off? Is that any brighter than a regular old sign that they would have lit up? How much brighter is it?

12. Ms. Connors – I'm sorry. We've asked sign people to tell us what that means. I don't have a good answer for you on how bright that is. Some have said it's the brightness of a digital television in your home.

13. Ms. Gordon – I'm less concerned about the distraction for traffic. I think it would be less of an issue with that as it would be having a big church sign close to somebody's window.

14. Ms. Connors – Remember, these signs still have to meet all the setbacks we have now. It's not like they can put these any closer than they can now any other type of sign.

15. Ms. Pailes – Some of the stuff that we got said that a typically illuminated billboard with the lights shining on it is 100 NITS. So 300 is considerably brighter.

16. Mr. Lewis – When this first came forward and I read it, I thought this absolutely makes sense to limit it in certain areas. But now that I understand that the signs will be going off at 10:00 p.m., my concern was, if I were living across from a sign and I had it shining in my bedroom window every night, I would not like this. But since they're going off at 10:00 p.m. and they're at minimal NITS, they reduce in brightness in the evening time, I believe this is something that I can support moving forward.

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-6 to the City Council. Cindy Gordon seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Chris Lewis
NAYES	Dave Boeck, Roberta Pailes
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-6 to the City Council, passed by a vote of 5-2.

* * *

Item No. 8, being:

ORDINANCE NO. O-1213-8 – UTC II, L.L.C. REQUESTS CLOSURE OF PARTS OF A UTILITY EASEMENT AND A DRAINAGE EASEMENT IN LOT 1, BLOCK 2 OF A REPLAT OF A REPLAT OF UNIVERSITY NORTH PARK ADDITION SECTION III, GENERALLY LOCATED WEST OF 24TH AVENUE N.W. AND SOUTH OF CONFERENCE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Petition for Closure and Exhibits A-D

PRESENTATION BY STAFF:

1. Mr. Danner – The University North Park Section III replat was filed of record in 2009, and the Academy store facility was built on Lot 2, which is south of the lot that is in question. Lot 1 is presented with a structure that will encroach on these easements. As a result, the applicant has chosen to close and vacate the easements, reroute a sanitary sewer and drainage pipe. That is in the process. Plans have been approved for that. In order for the structure to be built on this particular lot, this closure and vacation has to take place. With the rerouting and new easements, staff is not opposed to the closure. We have new utility and drainage easements to take the place for the rerouting of the utilities. Utility companies have not objected to the closure. The City recommends approval.

PRESENTATION BY THE APPLICANT:

1. Harold Heiple, 218 E. Eufaula, representing the applicant – Garden variety closing of a very short stretch of both a utility easement and a drainage easement. Instead of going across, we're just going to "V" it up in order to be able to have a little more building space to situate a building. We've already turned in that and nobody complains and we've complied with everything, so we'd respectfully request that you recommend approval.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

*Jim Gasaway moved to recommend approval of Ordinance No. O-1213-8 to the City Council.
Dave Boeck seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Roberta Pailes, Chris Lewis
NAYES	None
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-8 to the City Council, passed by a vote of 7-0.

* * *

Item No. 9, being:

ORDINANCE NO. O-1213-9 – CLEVELAND COUNTY BOARD OF COMMISSIONERS REQUESTS PARTIAL CLOSURE OF 150' OF THE ALLEY RUNNING EAST-WEST FROM PETERS AVENUE TO JONES AVENUE BETWEEN EUFAULA STREET AND SYMMES STREET.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Amended Application for Closure and Exhibit A-1

This item was postponed for one month at the request of the applicant by a vote of 7-0.

* * *

Item No. 10, being:

ORDINANCE NO. O-1213-10 – MARIAN NUNEZ/OPOLIS PRODUCTION REQUEST SPECIAL USE FOR A BAR, LOUNGE OR TAVERN FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, AND LOCATED AT 113 N. CRAWFORD AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Pre-Development Summary – 7/26/12
4. Project Description
5. Interior Floor Plan

PRESENTATION BY STAFF:

1. Ms. Hudson – This is a request for Special Use for Opolis. In 2002 they requested a Special Use for a Nightclub, which they were granted, and now they would also like to request Special Use to serve alcohol. Staff approves this request. The applicant is present if you have any questions for her, and I'd be happy to answer any questions as well.

PRESENTATION BY THE APPLICANT:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Dave Boeck moved to recommend adoption of Ordinance No. O-1213-10 to City Council. Roberta Pailes seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Roberta Pailes, Chris Lewis
NAYES	None
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-10 to City Council, passed by a vote of 7-0.

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Item No. 11, being:

CONSIDERATION OF A REQUEST SUBMITTED BY OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C.

11A. RESOLUTION NO. R-1213-36 – OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C. REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-3) FROM COMMERCIAL DESIGNATION TO MEDIUM DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Pre-Development Summary – 4/26/12

11B. ORDINANCE NO. O-1213-11 – OSOI TECUMSEH DEVELOPMENT, L.L.C. AND NE DEVELOPMENT, L.L.C. REQUEST REZONING FROM C-1, LOCAL COMMERCIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report
3. Santa Rosa Addition PUD Narrative and Exhibits A-E

11C. PP-1213-4 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY OSOI TECUMSEH DEVELOPMENT, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR SANTA ROSA ADDITION, A PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Request for Alley Waiver
7. Greenbelt Enhancement Statement

This item was postponed for one month at the request of the applicant by a vote of 7-0.

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Item No. 12, being:

CONSIDERATION OF A REQUEST SUBMITTED BY NORMAN DOP VII, L.L.C.

12A. RESOLUTION NO. R-1213-37 – NORMAN DOP VII, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-4) FROM COUNTRY RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ¼ MILE EAST OF 72ND AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:

1. 2025 Map
2. Staff Report
3. Pre-Development Summary – 6/28/12

12B. ORDINANCE NO. O-1213-12 – NORMAN DOP VII, L.L.C. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO CR, RURAL COMMERCIAL DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ¼ MILE EAST OF 72ND AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

12C. PP-1213-5 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY NORMAN DOP VII, L.L.C. (CORNERSTONE REGIONAL SURVEYING, L.L.C.) FOR DOLLAR GENERAL ALAMEDA ADDITION, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF ALAMEDA DRIVE APPROXIMATELY ¼ MILE EAST OF 72ND AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Greenbelt Enhancement Statement
7. Greenbelt Commission Summary

PRESENTATION BY STAFF:

1. Ms. Hudson – The first request is for a Land Use Plan amendment to go from Country Residential to Commercial Designation. The land use across the street is commercial, with institutional to the east, which is the fire station. They are currently zoned A-2; they're requesting the Rural Commercial District. They are purchasing the entire area, but the front section is the only area that they will be utilizing for their store. The site is completely undeveloped. The fire station is on the east side. Across the street there is currently a gas station and convenience store. Staff supports this request for both the Land Use and the rezoning. The applicant is here to answer any questions.

2. Mr. Knotts – Do you want to talk about the objections that have been raised about traffic – not numbers, but just the sight line. I drove to the location and drove around. It was a little difficult to see exactly what was being objected to, but I'm very familiar with problems with sight line and I'd just like to hear some comments about that.

3. Mr. Danner – The Traffic Division reviewed this and their statement was there was not a sight distance problem. I think that report is on page 12c-5. He said no negative traffic impacts are anticipated and also based on the location adequate sight distance will be available at the proposed site across the intersection with Alameda Drive.

4. Ms. Pailles – Is the driveway across from Oliphant Avenue? Is that where the main entrance is at? I kind of think so, but I'm not sure.

5. Mr. Danner – Yes. It could not line up to the drive approach. It has to be Oliphant, if you look at 12c-1. It will be lining up to Oliphant Street.

PRESENTATION BY THE APPLICANT:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to recommend adoption of Resolution No. R-1213-37, Ordinance No. O-1213-12, and approval of the Preliminary Plat for DOLLAR GENERAL ALAMEDA ADDITION to the City Council. Dave Boeck seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Roberta Pailles, Chris Lewis
NAYES	None
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Resolution No. R-1213-37, Ordinance No. O-1213-12, and recommend approval of the Preliminary Plat for DOLLAR GENERAL ALAMEDA ADDITION to the City Council, passed by a vote of 7-0.

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Item No. 13, being:

CONSIDERATION OF A REQUEST SUBMITTED BY ABSENTEE SHAWNEE TRIBE OF OKLAHOMA

13A. ORDINANCE NO. O-1213-13 – ABSENTEE SHAWNEE TRIBE OF OKLAHOMA DAYCARE REQUESTS AMENDMENT OF THE 185' SETBACK LINE ESTABLISHED IN ORDINANCE NO. 1862 TO ACCOMMODATE DEVELOPMENT OF A DAY CARE FACILITY GENERALLY LOCATED ON THE NORTH SIDE OF LITTLE AXE DRIVE AND APPROXIMATELY 775' EAST OF 156TH AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Staff Report

13B. PP-1213-6 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY ABSENTEE SHAWNEE TRIBE OF OKLAHOMA DAYCARE (CARDINAL ENGINEERING) FOR ABSENTEE SHAWNEE HEALTH CENTER ADDITION, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF LITTLE AXE DRIVE AND APPROXIMATELY 775' EAST OF 156TH AVENUE N.E.

ITEMS SUBMITTED FOR THE RECORD:

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Site Plan
6. Pre-Development Summary – 7/26/12
7. Greenbelt Enhancement Statement
8. Greenbelt Commission Summary

PRESENTATION BY STAFF:

1. Mr. Danner – The request is for an amendment to a 185' setback requirement that was established in 1966. It was a condition with an ordinance for this property. The original proposal was very intense retail businesses relating to Lake Thunderbird. Since that time, of course, Absentee Shawnee Tribe has purchased the property and has put in a health center. Now their proposal is to put in a daycare center. The 185' rule would go through the middle of the proposed daycare center. I think the intent back at that time was to try to put the businesses as far back from Highway 9 as possible. With that intense activity no longer proposed, staff does not see an opposition to carry the standard 50' setback requirement of the TC ordinances. That's what their proposal is – to go from 185' to 50'.

2. Mr. McCarty – Would there ever be a chance that the highway would be widened and that would affect their building?

3. Mr. Danner – No. Because Little Axe Drive separates Highway 9 and this property. In fact, Little Axe Drive has a cul-de-sac now, which the Absentee Shawnee Tribe constructed and did the disconnect that used to be at Highway 9, which was very dangerous if anyone remembers that connection. That's another point that we feel like there is less likelihood of an encroachment of the highway or this property relating to Highway 9. Conditions and changes have been made.

PRESENTATION BY THE APPLICANT:

None

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-13 and the approval of the Revised Preliminary Plat for ABSENTEE SHAWNEE HEALTH CENTER ADDITION to the City Council. Roberta Pailes seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Dave Boeck, Jim Gasaway, Cindy Gordon, Tom Knotts, Curtis McCarty, Roberta Pailes, Chris Lewis
NAYES	None
ABSENT	Diana Hartley, Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-13 and approval of the Revised Preliminary Plat for ABSENTEE SHAWNEE HEALTH CENTER ADDITION to the City Council, passed by a vote of 7-0.

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Item No. 14, being:

MISCELLANEOUS DISCUSSION

None

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Item No. 15, being:

ADJOURNMENT

There being no further comments from Commissioners or staff, and no further business, the meeting adjourned at 9:10 p.m.



Norman Planning Commission